



GP 2761

Patent
Docket No.: ROSEA001**Petition to Make Special for New Application
Under MPEP §708.02(viii)**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rose, James et al.
Serial No.: 09/302,034Title: APPARATUS AND METHOD FOR AN INTERNET BASED COMPUTER RESERVATION
SYSTEMAssistant Commissioner
for Patents
Washington, D.C. 20231

Attention: Group Director, Group 2761

(MPEP §1002.02(c))

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Sir:

Petition to Make Special for New Application
(Under MPEP §708.02(viii))

Applicant hereby petitions to make this new application, which has not received any examination by the Examiner, special.

☒ All the claims in this case are directed to a single invention.☒ If the Office determines that all the claims presented are not obviously directed to a single invention,

Applicant will make an election without traverse as a prerequisite to the grant of special status.

☒ If claims 37-79 are found not to be examinable in this case with claim(s) 80-98, 99-118 and 119, Applicant hereby elects claim(s) 37-79 for the prosecution of this case.

A search has been made by:

☒ the inventor
☒ professional searcher
☐ attorney
☐ foreign patent office

in the following:

☒ field of search: **classes 705, subclasses 5 and 6**☒ There is submitted herewith a copy of a new reference deemed related to the subject matter encompassed by the claims.☒ A copy of the previously submitted Form PTO-1449 is attached (without references).☒ There is submitted herewith a detailed discussion of the references which discussion particularly points out how the claimed subject matter is distinguishable over the references.☒ A check in the amount of \$ 130.00 is enclosed.☒ At any time during the pendency of this application, please charge any fees required or credit any overpayments to Deposit Account 50-0388 (Order No. ROSEA001). A duplicate copy of this transmittal is enclosed.

04/25/2000 HLE111 00000060 09302034

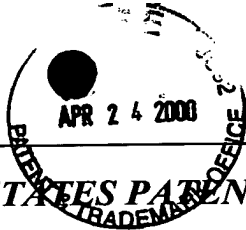
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Date: April 20, 2000

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Mountain View, CA 94042-0130
Telephone (650) 961-8300James W. Rose
Reg. No. 34,239

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Rose et al.

Attorney Docket No.: ROSE A001

Application No.: 09/302,034

Examiner: Not yet assigned

Filed: April 29, 1999

Group: 2761

Title: APPARATUS AND METHOD FOR AN
INTERNET

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**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL UNDER
MPEP §708.02 VIII**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The following discussion includes a brief description of the present application and the currently pending claims 37 - 119 which were filed in a preliminary amendment dated December 7, 1999. Please note that the claims 1 - 36 included in the original filing have been canceled. The statement also includes, as required by 37 C.F.R. 1.111 (b)(c), a discussion explaining why the claimed subject matter is patentable over the references of record.

The Present Invention

The present invention as claimed is directed to an on-line reservation system for restaurants. Specifically, the system includes a website which aggregates a plurality of restaurants. The website allows an Internet user to search and find a selected restaurant, review the available time slots for open tables at the selected restaurant, book an available reservation for a table, and receive a real time confirmation for the reservation, all over the Internet. Each restaurant in the system also has access to their own database which is maintained according to one embodiment at the same server that hosts the web site and which contains the restaurant's entire time slot inventory for tables. Each restaurant is able to access their database using a local computer residing at the restaurant. Using the local computer, the restaurant can enter reservation booking information into the system for patrons making reservations using traditional methods such as over the phone, by facsimile, etc. The system therefore provides a total table inventory management control system for each restaurant. In addition, the system aggregates the database databases of all the participating restaurants. In an alternative claimed embodiment, the

database at each restaurant is maintained on the restaurant is local computer and a redundant aggregate database for all the restaurants is maintain in a central server location associated with the website.

All the claims 37 - 119 are directed to a single invention. Claims 37 - 79 are directed to software product claims covering the above-described invention. The claims 80 - 98 cover a reservation system as described above. Claims 99 - 118 are directed to a method of maintaining the above-described reservation system. Finally, claim 119 is directed to a software product which implements the above described reservation system.

The Prior Art

The Applicant's have engaged the services of a professional search firm (Mr. James Moffitt) and have conducted their own search. The search report from Mr. Moffet is attached herewith as Exhibit 1. All references discovered through both searches have been cited and copies submitted in an Information Disclosure Statement filed February 17, 2000 in the present application. The references listed A-G on the 1449 Form were identified by the search firm. References H-S were identified by the Applicants. In addition, the applicants have submitted a new 1449 form including a newly discovered reference T. All the references are briefly described below. As will be evident, none of the references teach or suggest the present invention as claimed.

A. Garback in U.S. Patent Number 5,237,499 - Garback teaches a computer based system for processing travel request's directed to a specific venue from individual members of a sponsored group. The system comprises a database containing a venue file including information regarding the specific venue, a group member file for each individual member of the group, a travel policy file containing information on preselected vendors of various travel services, and a city code file containing codes corresponding to a plurality of city airport locations.

B. Griffin et al. in U.S. Patent Number 5,422,809 - Griffin teaches a system for providing travel destination information and making travel arrangements. The system includes an information storage and retrieval system for storing, referencing, and retrieving various travel destinations from a database. A query device queires the user for the travel destination desired, while a display device displays information associated with a selected travel destination.

C. Kanemitsu in U.S. Patent Number 5,940,803 - An itinerary making system for preparing a travel itinerary. When a traveler enters desired facility information and visiting purposes though an input unit, a plan preparing unit retrieves from a database a recommended

route for arriving at the subject facilities and recommends visiting times for using the facilities according to each visiting purpose. A plan preparing unit prepares a time schedule based on the retrieved recommended visiting time, prepares an itinerary according to which a traveler can arrive at desired facilities at a appropriate time, and shows the itinerary on a display.

D. DeLorme et al. in U.S. Patent Number 5,948,040 - A computerized travel reservation information and planning system which includes an on-line computer aided routing system which enables input of selectable travel origin, destination, and way points to compute travel routes, available transportation services, cost, options, and schedules. A point of interest database lets users pick types of attractions or accommodations within a user selected region around routes of travel. Users engage in an interactive planning process, revising or editing travel plans, reviewing travel logs of alternative routes, selecting points of interest perimeters, comparing times and cost of transportation options, in order to achieve a satisfactory travel plan. The system also provides printed or electronic output that may include any one or more of the text itineraries described above. Moreover, the system can be used to make reservation plans for other services such as hotels, banks, campgrounds, retail stores, hairdressers, and restaurants. (See Column 21, lines 45 - 48).

E. DeLorme in U.S. Patent Number 5,559,707 - This patent is a continuation in part of the above-identified '707 patent. (See the above description)

F. DeLorme in U.S. Patent Number 5,802,492 - This patent is a continuation in part of the above-identified '707 patent. (See the above description)

G. Slotznick in U.S. Patent Number 5,983,200 - This patent discloses an intelligent agent that executes tasks by using agent learning modules which store information necessary to execute the task. A computer receives a command to execute a task or receives data which causes a task to be generated. The computer access appropriate information in the learning modules to execute the task, and output's instructions to output devices to execute the task. The tasks may be executed at a future time and on a periodic bases. The term task includes providing planning and logistics for interconnected and more complicated tasks involving a variety of vendors or services, for example ordering everything for a business trip which might include plane tickets, car rental, hotel accommodation and a dinner party. (See Column 13, lines 10 - 15).

H. This reference is information printed from the web page of a company called TeeMaster of the golf course also provides an on-line golf reservation system that allows a

Internet user to get on-line and book a tee time at a golf course and have the tee time added directly to the tee sheet at the pro shop in real time.

I. This reference is a sequence of web pages from ezlinksgolf.com's web site which allows Internet users to book tee times at selected golf courses on-line.

J. This reference is a sequence of web pages printed from a website CitySearch.com for booking an on-line reservation for a restaurant. This website allows an Internet user to find a restaurant in a selected city and submit a request for a reservation at the selected restaurant through a web page template that asks the Internet user for the date and time of the desired reservation. In reply, the restaurant will confirm the reservation by contacting the Internet user by either phone, fax, or email within a 24 hour response time.

K. This reference is a sequence of web pages that describes an on-line hotel reservation network for the country of Italy. With this website, an Internet user can search the websites of a number of affiliated hotels and make a request for a room reservation at a selected hotel. Once the request is submitted over the Internet, the Internet user receives a reply by email or by fax confirming the reservation from the hotel.

L. This reference is a sequence of web pages printed from Southwest Airlines on-line reservation website. This website allows an Internet user to book a flight reservation and receive a real time confirmation of that flight.

M. This reference is a sequence of web pages printed from the web site Savvydiner.com that allows an Internet user to book a reservation at a selected restaurant. With this website, an Internet user can search and find a restaurant affiliated with the website and request a reservation at an approximate time and date. The reservation is then confirmed within 24 hours by email or phone.

N. This reference is a sequence of web pages printed from the Hotel Reservation Network (HRN). This web page describes an on-line system for booking hotel rooms.

O. This reference is a press release entitled "Hawaii Inc., Ex-Attorney tees off with on-line golf reservations" from a company called SelectTeeTimes.com that describes a on-line golf reservation system.

P. This reference is an article printed off the Internet regarding a company called Restaurant Row. The article describes restaurant row's business of listing restaurants on-line.

Q. This reference is a package of promotional literature from a company called World Res that offers on-line hotel reservations.

R. This reference is a promotional package of literature from a company called Rock Systems that offers an automated table reservation system for restaurants. This product is not Internet based and therefore does not include a website that allows an Internet user to search and find an affiliated restaurant and to book a table reservation at that restaurant.

S. This reference is an information binder prepared by SelectTeeTimes.com. This literature describes on-line reservation booking system for golf courses. For member golf course, SelectedTeeTime.com's software provides a distribution command center which is customizable to each golf course. The company's software allows each course the ability to control the distribution and pricing of this tee times to various market segments. The software assists member courses in maximizing yield management and revenues, allowing the course to retain complete control of operations and tee sheets. For golfers, the system offers guarantee golf reservations on-line.

T. This reference is a sequence of web pages printed from the web site GourmetSociety.com that allows an Internet user to book a reservation at a selected restaurant. With this website, an Internet user can search and find a restaurant affiliated with the website and request a reservation at an approximate time and date. The reservation is then confirmed within 24 hours by email or phone.

Dependent Claims

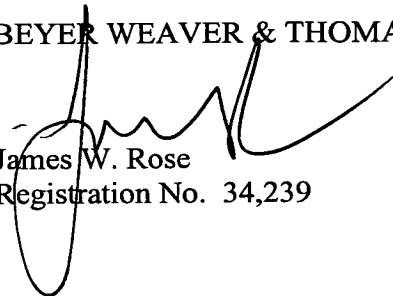
Claims 38 – 79, 81 – 98, and 100 - 118 each depend either directly or indirectly from independent claims 37, 80 and 99 respectively and are therefore submitted as novel, nonobvious, and patentable over the recited references for at least the reasons stated above with respect to the independent claims.

Conclusion

The applicant respectfully submits that the above statement meets the requirements of MPEP §708.02(VIII) and respectfully requests the granting of the associated petition to make special. If the Examiner has any questions he or she is respectfully invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

BEYER WEAVER & THOMAS ,LLP

A handwritten signature in black ink, appearing to read 'James W. Rose', is written over the printed name and registration number.

James W. Rose
Registration No. 34,239

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Tel: (650) 961-8300

EXHIBIT I

JAMES W. MOFFITT

**2121 Jamieson Ave. #601
Alexandria, VA 22314
Tel: (703) 567-0302**

SSN: 018-28-9298

CONTRACT SEARCH WORK

Date Search Completed: 1-23-00

Type Search: Patentability

**Search Title: Apparatus and Method for an Internet Based Computer Reservation
Booking System for Merchants Offering Time-Slot Inventories.**

Requested By: James W. Rose

Field of Search: Class 705, subclasses 5 and 6

Databases Searched:

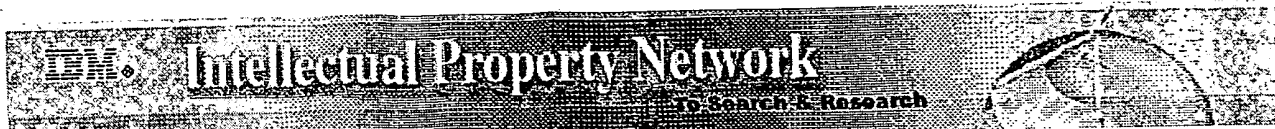
- (1) US Patents Full-Text Database**
- (2) JPAB-Japanese Foreign Patents Abstracts Database**
- (3) EPAB-European Foreign Patents Abstracts Database**
- (4) European (Applications)**
- (5) European (Granted)**
- (6) Abstracts of Japan**
- (7) WIPO PCT Publications**
- (8) IBM Technical Disclosure Bulletins**

**Databases 1,2, and 3 were searched on the PTO WEST Database which can be
searched free of charge at this time. Databases 4 thru 7 were search on the IBM
Intellectual Property Network located on the Internet.**

**References Found: US Patents (1) 5,948,040; (2) 5,802,492; and (3) 5,559,707
all from the same family.**

**" " (4) 5,983,200
" " (5) 5,940,803
" " (6) 5,422,809
" " (7) 5,237,499**

James W. Moffitt



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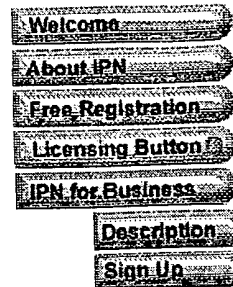
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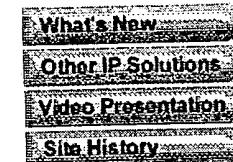
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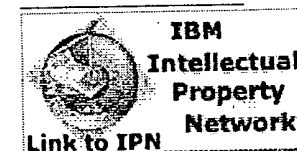
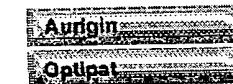
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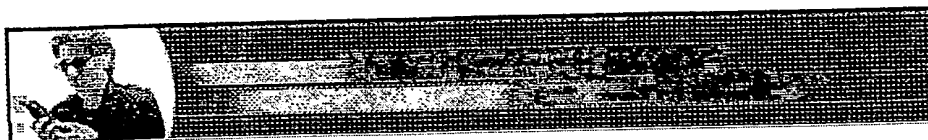
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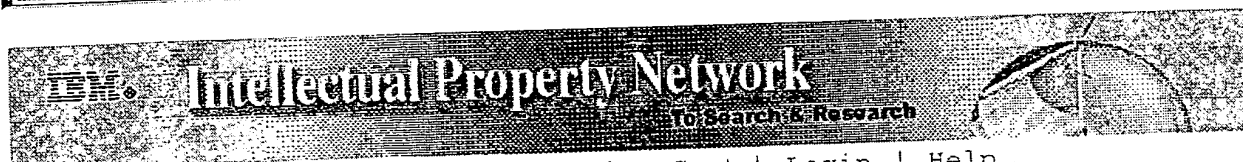
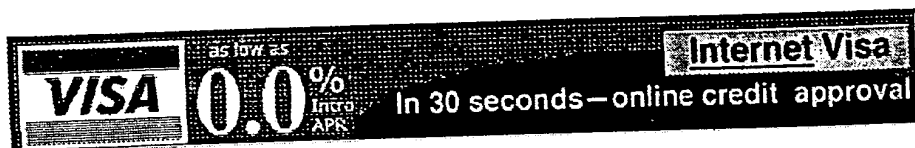
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91A 62430	09/01/1991	Adaptive Burst Switching Protocol.	77%
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USPT	time-slot or time adj slot	13286	<u>L4</u>
USPT	13 and 14	617	<u>L5</u>
USPT	web or internet or www or network	298348	<u>L6</u>
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USPT	software	99143	<u>L8</u>
USPT	17 and 18	300	<u>L9</u>
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JPAB,EPAB	inventory near2 (time-slot or time adj slot)	0	<u>L2</u>
JPAB,EPAB	reservation	4680	<u>L3</u>
JPAB,EPAB	time-slot or time adj slot	6623	<u>L4</u>
JPAB,EPAB	13 and 14	72	<u>L5</u>
JPAB,EPAB	web or internet or www or network	137154	<u>L6</u>
JPAB,EPAB	15 and 16	17	<u>L7</u>
JPAB,EPAB	software	34080	<u>L8</u>
JPAB,EPAB	17 and 18	1	<u>L9</u>